

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROSIE RIVERA-CROUTHER

Plaintiff,

v.

NATIONWIDE COLLECTIONS, INC.,

Defendant.

**DECLARATION OF CRAIG M.
SHAPIRO IN SUPPORT
OF PROVE-UP OF DAMAGES**

Civil Action No. 08-cv-2683

**Judge Holderman
Magistrate Judge Keys**

**DECLARATION OF CRAIG M. SHAPIRO
IN SUPPORT OF PROVE-UP OF DAMAGES**

I, Craig M. Shapiro, declare under penalty of perjury, as provided for by the laws of the United States, 28 U.S.C. §1746, that the following statements are true and correct:

1. I am one of the attorneys representing Plaintiff Rosie Rivera-Crouther in this matter.

2. I am a member in good standing of the bars of the following courts:

State of Illinois
Chicago, Illinois
January 4, 2005

United States Court of Appeals for the Seventh Circuit
Chicago, Illinois
January 19, 2007

United States District Court for the Northern District of Illinois
Chicago, Illinois
June 22, 2005

United States District Court for the Northern District of Indiana
South Bend, Indiana
January 23, 2006

United States District Court for the Central District of Illinois
Springfield, Illinois
April 23, 2007

United States District Court for the Southern District of Illinois
East Saint Louis, Illinois
July 26, 2007

United States District Court for the Western District of Michigan
Grand Rapids, Michigan
August 13, 2007

United States District Court for the Eastern District of Michigan
Detroit, Michigan
December 27, 2007

3. I am a 2004 graduate of the Chicago-Kent College of Law. After a short time litigating personal injury cases, I began solely to represent persons in consumer rights litigation, both individual and class cases.

4. I currently am working on the litigation of FDCPA cases in California, Florida, Illinois, Indiana, Michigan, and Nebraska.

5. I have been appointed class counsel in the following FDCPA class action cases: Acik v. I.C. System, Inc., --- F.R.D. ---, 2008 WL 2514072, 2008 U.S. Dist. LEXIS 50515 (N.D.Ill. June 11, 2008); Fragoso v. HBLC, Inc., et al., 07-cv-5482, Docket # 53, N.D.Ill., May 7, 2008 (Honorable Judge Samuel Der-Yeghiayan); Day v. ICUL Service Corporation, 07-cv-882, Docket # 34 (N.D.Ill, August 15, 2007) (Honorable Judge Joan H. Lefkow); Karnette v. Wolpoff & Abramson, 2007 U.S.Dist.LEXIS 20794, * 31 (E.D.Va., Mar. 23, 2007); Day v. Check Brokerage Corp., 240 F.R.D. 414, 419 (N.D.Ill. 2007); Warcholek v. Medical Collections

Sys., 241 F.R.D. 291, 294 (N.D.Ill. 2006).

6. I have also been involved in the following FDCPA cases: Acik v. I.C. System, Inc., --- F.R.D. ---, 2008 WL 2514072, 2008 U.S. Dist. LEXIS 50515 (N.D.Ill. June 11, 2008) (Class Certification Granted); Giblin v. Revenue Prod. Mgmt., 2008 U.S. Dist. LEXIS 22854 (N.D.Ill., Mar. 24, 2008); Jenkins v. General Collection Co., 538 F.Supp.2d 1165 (D.Neb., 2008) (Defendants' motion for summary judgment denied); Jenkins v. General Collection Co., 246 F.R.D. 600 (D.Neb. 2007) (adopting report & recommendation to strike offer of judgment); Posso v. Asta Funding, Inc., 2007 U.S. Dist. LEXIS 83741 (N.D.Ill., Nov. 9, 2007); McKinney v. Cadleway Prop., Inc., 2007 U.S. Dist. LEXIS 79786 (N.D.Ill., Oct. 23, 2007) (adopting report & recommendation in full awarding costs and attorney fees); Balezos v. Cavalry Portfolio Serv., LLC, 2007 U.S. Dist. LEXIS 70688 (D.Ariz., Sept. 21, 2007); Day v. Check Brokerage Corp., 511 F.Supp.2d 950 (N.D.Ill. 2007) (summary judgment granted in part, denied in part); Jenkins v. General Collection Co., 2007 WL 2462614, 2007 U.S. Dist. LEXIS 64462 (D.Neb., Aug. 28, 2007) (striking Offer of Judgment); Balezos v. Cavalry Portfolio Serv., LLC, 2007 U.S. Dist. LEXIS 60138 (D.Ariz., Aug. 15, 2007); McKinney v. Cadleway Prop. Inc., 2007 U.S. Dist. LEXIS 41588 (N.D. Ill, June 8, 2007) (attorney fees award); Gonzales v. Arrow Fin. Servs. LLC, 2007 U.S. Dist. LEXIS 42259 (S.D.Cal., June 8, 2007) (summary judgment granted for plaintiff); Karnette v. Wolpoff & Abramson, 2007 U.S. Dist. LEXIS 20794 (E.D.Va., Mar. 23, 2007) (Class Certification Granted); Day v. Check Brokerage Corp., 240 F.R.D. 414 (N.D.Ill. 2007) (Class Certification Granted); Hamilton v. Am. Corrective Counseling Serv., 2007 U.S. Dist. LEXIS 11488 (N.D.Ind., Feb. 14, 2007) (class certified); Warcholek v. Medical Collections Sys., 241 F.R.D. 291 (N.D.Ill. 2006) (Class Certification Granted); Posso v. Wolpoff

& Abramson, L.L.P., 2006 U.S. Dist. LEXIS 73963 (N.D.Ill. Oct. 11, 2006); Karnette v. Wolpoff & Abramson, L.L.P., 444 F.Supp.2d 640 (E.D.Va. 2006) (Motion to Compel Arbitration Denied); Turner v. Shenandoah Legal Group, P.C., 2006 U.S. Dist. LEXIS 39341 (E.D.Va. June 12, 2006) (Report & Recommendation to Deny Motion to Dismiss); Thweatt v. Law Firm of Koglmeier, Dobbins, Smith & Delgado, PLC, 425 F.Supp.2d 1011 (D.Ariz. 2006) (Motion to Dismiss Denied); Gacy v. Gammage & Burnham, 2006 U.S. Dist. LEXIS 8525 (D.Ariz. Feb. 23, 2006); Gonzales v. Arrow Fin. Servs., 233 F.R.D. 577 (S.D.Cal. 2006) (Class Certification Granted); Gacy v. Gammage & Burnham et al., 2005 U.S. Dist. LEXIS 38081 (D.Ariz. Dec. 15, 2005) (Class Certification Granted).

7. Recently, in Acik v. I.C. System, Inc., --- F.R.D. ---, 2008 WL 2514072, 2008 U.S. Dist. LEXIS 50515, *8 (N.D.Ill. June 11, 2008), I was described by the Honorable Judge Gottschall as being “highly experienced in class actions.”

8. My co-counsel and supervising attorney O. Randolph Bragg is also one of the attorneys representing Plaintiff Rosie Rivera-Crouther in this matter.

9. Mr. Bragg is a member in good standing of the bars of the following courts:

Supreme Court of the United States
Washington, D.C.
August 7, 1992

Supreme Court of Appeals of West Virginia -- inactive
Charleston, West Virginia
May 22, 1973

Supreme Court of Pennsylvania – inactive
Harrisburg, Pennsylvania
May 20, 1974

Supreme Court of the State of Delaware – inactive
Wilmington and Dover, Delaware
January 23, 1987

Supreme Court of Illinois
Chicago, Illinois
July 5, 1994

U.S. Court of Appeals for the Second Circuit
New York, New York
November 6, 1986

U.S. Court of Appeals of the Third Circuit
Philadelphia, Pennsylvania
February 21, 1979

U.S. Court of Appeals for the Fourth Circuit
Richmond, Virginia
February 7, 1986

U.S. Court of Appeals for the Fifth Circuit
New Orleans, Louisiana
July 23, 1999

U.S. Court of Appeals for the Sixth Circuit
Cincinnati, Ohio
December 26, 1991

U.S. Court of Appeals for the Seventh Circuit
Chicago, Illinois
April 15, 1994

U.S. Court of Appeals for the Eighth Circuit
St. Louis, Missouri
September 21, 1998

U.S. Court of Appeals for the Ninth Circuit
San Francisco, California
March 14, 1997

U.S. Court of Appeals for the Tenth Circuit
Denver, Colorado
May 22, 1997

U.S. Court of Appeals for the Eleventh Circuit
Atlanta, Georgia
August 24, 1988

U.S. District Court for the
Southern District of West Virginia
Charleston, West Virginia
May 22, 1973

U.S. District Court for the
Middle District of Pennsylvania
Scranton, Pennsylvania
July 12, 1974

U.S. District Court for the Eastern District of Pennsylvania
Philadelphia, Pennsylvania
June 25, 1982

U.S. District Court for the District of Delaware
Wilmington, Delaware
January 30, 1987

U.S. District Court for the Western District of New York
Rochester, New York
October 5, 1987

U.S. District Court for the Northern District of New York
Utica, New York
December 15, 1989

U.S. District Court for the Northern District of Illinois
Chicago, Illinois
May 10, 1994

U.S. District Court for the Central District of Illinois
Peoria, Illinois
April 29, 1996

U.S. District Court for the District of Arizona – inactive
Phoenix, Arizona
January 11, 1996

U.S. District Court for the Western District of Michigan
Grand Rapids, Michigan
June 7, 1996

U.S. District Court for the Eastern District of Michigan
Detroit Michigan
December, 1997

U.S. District Court for the Western District of Wisconsin
Madison, Wisconsin
December 21, 1998

U.S. District Court for the Eastern District of Wisconsin
Milwaukee, Wisconsin
July 12, 2000

U.S. District Court for the Northern District of Texas
Dallas, Texas
August 28, 2000

U.S. District Court for the District of Colorado
Denver, Colorado
December 9, 2002

U.S. District Court for the Northern District of Indiana
South Bend, Indiana
July 13, 2005

U.S. District Court for the Southern District of Illinois
East St. Louis, Illinois
July 30, 2007

U.S. District Court for the District of Nebraska
Omaha, Nebraska
June 3, 2008

10. Mr. Bragg is a 1973 graduate of the West Virginia University College of Law. From 1973 until August 1985, he was employed by Legal Services Corporation-funded programs in West Virginia and Pennsylvania. From August 1985 until October 1993, he served as a Litigation Coordinator with the UAW Legal Services Plan. From April 1, 1994 through August

30, 1995, he was associated with the law firm of Edelman & Combs in Chicago, Illinois.

11. On September 15, 1995, Mr. Bragg opened his law office, as a solo practice limited to the representation of persons in consumer rights litigation, both individual and class cases.

12. On February 1, 1997, Mr. Bragg merged his practice with Horwitz, Horwitz and Associates and continues to limit his practice to the representation of individuals in consumer issues, both individual and class cases.

13. Since 1990 Mr. Bragg has been a contributing author to National Consumer Law Center's *Fair Debt Collection* (5th ed. 2004) and annual supplements (through 2008). He has also written Chapter 5, "Fair Debt Collection Practices Act," *Ohio Consumer Law* (1995 ed.-2008 ed.). "Fair Debt Collection: The Need For Private Enforcement", published at *Loyola Consumer Law Reporter*, Volume 7, Number 3, Page 89 (Spring 1995), was written by myself and Daniel A. Edelman.

14. Mr. Bragg was a member of the Board of Directors of National Association of Consumer Advocates from October 1996 through October 2000. He participates as one of the Consumer Advocate Advisors to *Consumer Financial Services Law Report*, published by LRP Publications. He was named Consumer Lawyer of the Year for 2006 by the National Association of Consumer Advocates.

15. Mr. Bragg has lectured to professional groups on consumer law issues including:

March 27-29, 2008	Fair Debt Collection Practices Act	Nashville, TN
	National Consumer Law Center	

March 23-25, 2007	Fair Debt Collection Practices Act National Consumer Law Center	Tucson, Arizona
February 25-26, 2006	Fair Debt Collection Practices Act National Consumer Law Center	Austin, Texas
October 20-21, 2005	Consumer Law 2005	Missouri Bar CLE Kansas City & St. Louis, MO
March 13-14, 2005	Fair Debt Collection Practices Act	National Association Association of Consumer Advocates Crystal City, VA
July 29, 2004	Fair Debt Collection Practices Act	Student Legal Services Chicago, Illinois
April 23, 2004	Montana Consumer Law Summit	Missoula, MT
February 21-22, 2004	Fair Debt Collection Practices Act National Consumer Law Center	Kansas City, MO
October 28, 2002	Class Action Symposium National Consumer Law Center	Atlanta, Georgia
November 6, 2001	North American Collection Agency Regulatory Association	Denver, Colorado
April and May 2000	Consumer Financial Services Litigation	New York, San Francisco,
March 2007	Practicing Law Institute	and Chicago
November 10, 2000	Fair Credit Reporting Act Fair Debt Collection Practices Act	Michigan Poverty Law Program Lansing, Michigan

September 19, 1997	Fair Debt Collection Practices Act	Michigan State Bar Detroit, Michigan
April 25, 1997	Fair Debt Collection Practices Act and Consumer Class Actions	VA Trial Lawyers Association Richmond, VA
September 20, 1996 October 8, 1999 October 11, 2001	Fair Debt Collection Practices Act	Chicago Bar Assn Chicago, Illinois
June 7, 1996	Fair Debt Collection Practices Act Overland Park, KS	Kansas City Metropolitan Bar Association
1992 - 2000	Fair Debt Collection Practices Act Various locations	National Consumer Rights Litigation Conference

16. Mr. Bragg has been involved in numerous consumer cases including:

U.S. COURTS OF APPEALS:

Camacho v. Bridgepot Financial, Inc., 523 F.3d 973 (9th Cir. 2008); del Campo v. Kennedy, 517 F.3d 1070 (9th Cir. 2008); Johnson v. Credit Int'l, 2007 WL 3332813, 2007 U.S. App. LEXIS 26403 (9th Cir., Nov. 8, 2007) (Unpublished Opinion); Rosario v. American Corrective Counseling Services, Inc., 506 F.3d 1039 (11th Cir. 2007); Gillespie v. Equifax Information Services, L.L.C., 484 F.3d 938 (7th Cir. 2007); Defenbaugh v. JBC & Assocs. PC, 2006 U.S. App. LEXIS 19930 (9th Cir., July 24, 2006) (Not for Publication); Camacho v. Bridgeport Financial, Inc., 430 F.3d 1078 (9th Cir. 2005); Carroll v. United Computecred Collections, Inc., 399 F.3d 620 (6th Cir. 2005); Silvernail v. County of Kent, 385 F.3d 601 (6th Cir. 2004); Irwin v. Mascott, 370 F.3d 924 (9th Cir. 2004); Liles v. Del Campo, 350 F.3d 742 (8th Cir. 2003); Carmichael v. Payment Ctr., Inc., 336 F.3d 636 (7th Cir. 2003); Renick v. Dun & Bradstreet

Receivable Mgmt Servs., 290 F.3d. 1055 (9th Cir. 2002);

U.S. DISTRICT COURTS:

Acik v. I.C. System, Inc., --- F.R.D. ---, 2008 WL 2514072. 2008 U.S. Dist. LEXIS 50515 (N.D.Ill. June 11, 2008) (class certification); Bretana v. International Collection Corp. 2008 WL 2264555 (N.D.Cal., June 2, 2008) (denying motion to dismiss and stringe Rule 68 offer) (Not for Publication); Del Campo v. American Corrective Counseling Services, 2008 WL 2038047 (N.D.Cal. May 12, 2008) (compel discovery); Schwarm v. Craighead, — F.Supp.2d —, 2008 WL 1970341, 2008 U.S. Dist. LEXIS 36622 (E.D.Cal., May 2, 2008) (summary Judgment); Kelly v. Montgomery Lynch & Assocs., 2008 WL 1775251, 2008 U.S. Dist. LEXIS 30917 (N.D. Ohio, Apr. 15, 2008); Kelly v. Montgomery Lynch & Assocs., 2008 WL 1775251, 2008 U.S. Dist. LEXIS 30917 (N.D. Ohio, Apr. 15, 2008) (granting summary judgment in part); Starr v. Hameroff Law Firm, PC, 2008 WL 906822, 2008 U.S. Dist. LEXIS 26124 (D.Ariz., Mar. 31, 2008) (arbitration denied); Giblin v. Revenue Prod. Mgmt., 2008 U.S.Dist.LEXIS 22854 (N.D.Ill., Mar. 24, 2008); Sampaio v. People First Recoveries, LLC, 2008 WL 509255, 2008 WL 509255, 2008 U.S. Dist. LEXIS 17110 (S.D.Fla., Feb. 19, 2008) (struck offer of judgment); Jenkins v. General Collection Co., 538 F.Supp.2d 1165 (D.Neb. 2008) (Defendants' motion for summary judgment denied); Martsof v. JBC Legal Group, P.C., 2008 WL 275719, 2008 U.S. Dist. LEXIS 6876 (M.D.,Pa., Jan. 30, 2008) (summary judgment granted in part); Kelly v. Montgomery Lynch & Assocs., 2007 WL 4562913, 2007 U.S. Dist. LEXIS 93656 (N.D.Ohio, Dec. 19, 2007) (class certified); Kelly v. Montgomery Lynch & Assocs., 2007 WL 4412572, 2007 U.S. Dist. LEXIS 93651 (N.D.Ohio, Dec. 13, 2007) (discovery compelled); del Campo v. American Corrective Counseling Services, Inc., 2007 WL 4287335 (N.D.Cal., Dec. 5, 2007)

(discovery); Jenkins v. General Collection Co., 246 F.R.D. 600 (D.Neb. 2007) (striking offer of judgment); Posso v. Asta Funding, 2007 U.S. Dist. LEXIS 83741 (N.D.Ill., Nov. 9, 2007); del Campo v. American Corrective Counseling Services, Inc., 2007 WL 3306496, 2007 U.S. Dist. LEXIS 87150 (N.D.Cal., Nov. 6, 2007) (designation of discovery and sanctions); Starr v. Hameroff, 2007 WL 3231988, 2007 U.S. Dist. LEXIS 80923 (D.Ariz., Oct. 31, 2007) (Report and Recommendation to deny motion to compel arbitration); McKinney v. Cadleway Prop Inc., 2007 U.S. Dist. LEXIS 79786 (N.D.Ill. 2007) (attorneys fees award); Day v. Check Brokerage Corp., 511 F. Supp. 2d 950 (N.D.Ill. 2007) (summary Judgment); Jenkins v. General Collection Co., 2007 WL 2462614, 2007 U.S. Dist. LEXIS 64462 (D.Neb., Aug. 28, 2007) (striking Offer of Judgment); Palmer v. Stassinios, 2007 WL 2288119, 2007 U.S. Dist. LEXIS 59856 (N.D.Cal., Aug. 7, 2007) (\$5000 sanction awarded against debt collector for failure to comply with Order); Hunt v. Check Recovery Sys., 2007 WL 2220972, 2007 U.S. Dist. LEXIS 58800 (N.D.Cal., Aug. 1, 2007) (class notice and costs); Campos v. Western Dental Services, Inc., 2007 WL 2050976 (N.D.Cal., July 13, 2007) (“The court further finds that \$300 an hour for Mr. Wilcox and \$465 an hour for Mr. Bragg are reasonable rates for attorneys with their equivalent years of experience.”); Jerman v. Carlisle, 502 F.Supp.2d 686 44731 (N.D.Ohio 2007) (summary judgment granted on defendants BFE defense); Gonzales v. Arrow Fin. Servs. LLC, 489 F.Supp.2d 1140 (S.D.Cal. 2007) (summary judgment granted for plaintiff); McKinney v. Cadleway Prop Inc., 2007 WL 1667390, 2007 U.S. Dist. LEXIS 41588 (N.D.Ill., June 8, 2007) (attorneys fees award); Palmer v. I.C. Systems, Inc., 2007 WL 1655569, 2007 U.S. Dist. LEXIS 43764 (N.D.Cal., June 7, 2007); Rannis v. Fair Credit Lawyers, Inc., 489 F.Supp.2d 1110 (C.D.Cal. 2007) (CROA summary judgment ruling); Kreek v. Phycom Corp., 2007 WL 1229315, 2007 U.S. Dist. LEXIS 30652

(N.D.Cal., April 26, 2007); del Campo v. American Corrective Counseling Servs., 2007 U.S. Dist. LEXIS 24861 (N.D.Cal., Mar. 22, 2007) (confidentiality designation); Hunt v. Check Recovery Sys., 478 F.Supp.2d 1157 (N.D.Cal. 2007) (summary judgment); Hunt v. Check Recovery Sys., 241 F.R.D. 505 (N.D.Cal. 2007) (class certified); Karnette v. Wolpoff & Abramson, 2007 WL 922288, 2007 U.S. Dist. LEXIS 20794 (E.D.Va., Mar. 23, 2007) (class certified); Rannis v. Fair Credit Lawyers, Inc., 2007 U.S. Dist. LEXIS 17856 (C.D.Cal., Mar. 12, 2007) (CROA class certified); Day v. Check Brokerage Corp., 240 F.R.D. 414 (N.D.Ill., Mar. 2, 2007) (class certified); Hamilton v. Am. Corrective Counseling Serv., 2007 U.S. Dist. LEXIS 11488 (N.D.Ind., Feb. 14, 2007) (class certified); del Campo, et al., v. American Corrective Counseling Services, 2007 U.S. Dist. LEXIS 12387 (N.D.Cal., Feb. 8, 2007); del Campo v. Kennedy, 491 F.Supp.2d 891 (N.D. Cal. 2006) (ACCS is a debt collector); del Campo v. Kennedy, 491 F.Supp.2d 891 (N.D.Cal. 2006) (dismissed due process claims but maintained FDCPA claims); McKinney v. Cadleway Props., Inc., 2006 U.S. Dist. LEXIS 87620 (N.D.Ill., Dec. 4, 2006); Jerman v. Carlisle, 464 F.Supp.2d 720 (N.D.Ohio 2006); Rosario v. Am. Corrective Counseling Servs., 2006 U.S. Dist. LEXIS 83135 (M.D.Fla., Nov. 15, 2006) (Eleventh Amendment Immunity); Warcholek v. Medical Collections Sys., 241 F.R.D. 291 (N.D.Ill. 2006) (class certified); Hamilton v. American Corrective Counseling Servs., 2006 U.S. Dist. LEXIS 75588 (N.D.Ind. Oct. 4, 2006) (granted defendants' motion to exclude expert); Karnette v. Wolpoff & Abramson, 444 F.Supp.2d 640 (E.D.Va. 2006) (motion to compel arbitration denied); Abels v. JBC Legal Group, P.C., 434 F.Supp.2d 763 (N.D.Cal. 2006) (defendants' motion to dismiss denied); Turner v. Shenandoah Legal Group, P.C., 2006 U.S. Dist. LEXIS 39341 (E.D.Va., June 12, 2006) (Report and Recommendation to deny defendants'

motion to dismiss); Thweatt v. Law Firm of Koglmeier, Dobbins, Smith & Delgado, P.L.C., 425 F.Supp.2d 1011 (D.Ariz. 2006) (motion to dismiss denied); Abels v. JBC Legal Group, P.C., 233 F.R.D. 645 (N.D.Cal. 2006) (defendants' motion to compel production of time records and retainer denied); Schwarm v. Craighead, 233 F.R.D. 655 (E.D.Cal. 2006) (class certified); Gonzales v. Arrow Fin. Servs. LLC, 233 F.R.D. 577 (S.D.Cal. 2006) (class certified); Abels v. JBC Legal Group, P.C., 2006 U.S. Dist. LEXIS 12486 (N.D.Cal., Jan. 18, 2006) (order denying without prejudice motion for leave to file second amended complaint); Mcguire-Pike v. Ameri-Ck, Inc., 2005 U.S. Dist. LEXIS 39134 (D.N.M., Dec. 30, 2005) (compel discovery); Gacy v. Gammage & Burnham, 2005 U.S. Dist. LEXIS 38081 (D.Ariz., Dec. 15, 2005) (class certification); Campos v. Western Dental Servs., 404 F.Supp.2d 1164 (N.D.Cal., 2005) (counterclaim dismissed, class certification denied without prejudice); Abels v. JBC Legal Group, P.C., 2005 U.S. Dist. LEXIS 41172 (N.D.Cal., Nov. 30, 2005) (order granting defendants' motion to dismiss in part); Palmer v. I.C. Systems, 2005 U.S. Dist. LEXIS 27946 (N.D.Cal., Nov. 8, 2005); Wyatt v. Creditcare, Inc., 2005 WL 2780684, 2005 U.S. Dist. LEXIS 25787 (N.D.Cal., Oct. 25, 2005) (class certification); Cancio v. Financial Credit Network, 2005 U.S. Dist. LEXIS 13626 (N.D.Cal., July 6, 2005) (attorneys fees and costs awarded); Abels v. JBC Legal Group, P.C., 229 F.R.D. 152 (N.D.Cal. 2005) (leave to amend to add party granted)); Brumbelow v. Law Offices of Bennett & DeLoney, 2005 WL 1566689 (D.Utah, June 21, 2005) (defendants' motion for summary judgment was denied due the existence of disputed issues of material fact) Brumbelow v. Law Offices of Bennett & DeLoney, 372 F.Supp.2d 615 (D.Utah 2005) (owners and operators of law firm are debt collectors subject to the FDCPA); Mcguire-Pike v. Ameri-Ck, Inc., 2005 U.S. Dist. LEXIS 39147 (D.N.M., Sept. 22, 2005); Uyeda v. J.A.

Cambece Law Office, P.C., 2005 U.S. Dist. LEXIS 9271 (N.D.Cal., May 16, 2005) (motion to dismiss denied); Abels v. JBC Legal Group, P.C., 227 F.R.D 541 (N.D.Cal. 2005) (class certification granted); Gray v. Florida First Financial Group, Inc., 359 F. Supp. 2d 1316 (M.D.Fla. 2005) (attorneys fees awarded); Martsof v. JBC Legal Group, P.C., 2005 WL 331544, 2005 U.S. Dist. LEXIS 1802 (M.D.Pa., Feb. 7, 2005) (class certified); Hipolito v. Harris & Zide, 2004 U.S. Dist. LEXIS 28714 (N.D.Cal., Dec. 16, 2004) (collectors' motion to dismiss denied); Palmer v. Stassinis, 348 F.Supp.2d 1070 (N.D.Cal. 2004); Defenbaugh v. JBC & Assocs., 2004 WL 1874978, 2004 U.S. Dist. LEXIS 16256 (N.D.Cal., Aug. 10, 2004) (attorneys fees award); Agan v. Katzman & Korr, 328 F.Supp.2d 1363 (S.D.Fla. 2004) (defendants' motion to strike exhibits denied); Agan v. Katzman & Korr, 222 F.R.D. 692 (S.D.Fla. 2004) (class certified); Evans v. American Credit Sys., 222 F.R.D. 388 (D.Neb. 2004) (recommendation of class certification); Bracamonte v. Eskanos & Adler, 2004 U.S. Dist. LEXIS 8520 (N.D.Cal., May 7, 2004) (class certified); Agan v. Katzman & Korr, P.A., 2004 WL 555257, 2004 U.S. Dist. LEXIS 4158 (S.D.Fla., Mar. 16, 2004) (motion to dismiss denied); Evans v. American Credit Sys., 2003 U.S. Dist. LEXIS 22433 (D.Neb., Dec. 10, 2003); Bush v. Loanstar Mortgagee Servs., 286 F.Supp.2d 1210 (N.D.Cal. 2003); Carroll v. United Compucred Collections, Inc., 2003 U.S. Dist. LEXIS 5996 (M.D.Tenn., Mar. 31, 2003); Silvernail v. County of Kent, 2003 U.S. Dist. LEXIS 5951 (Feb. 24, 2003) ('1983 claim); Gradisher v. County of Muskegon, 255 F.Supp.2d 720 (W.D.Mich. 2003) ('1983 claim); Gradisher v. Check Enforcement Unit, Inc., 2003 U.S. Dist. LEXIS 753 (W.D.Mich., Jan. 22, 2003) (award of attorneys fees and costs); Carroll v. United Compucred Collections, Inc., 2002 U.S. Dist. LEXIS 25032 (M.D.Tenn., Nov. 15, 2002) (Magistrate's Report and Recommendation); Connor v. Automated Accounts, Inc., 2002 WL

31528477 (E.D.Wash., Nov. 1, 2002); Gradisher v. Check Enforcement Unit, Inc., 209 F.R.D. 392 (W.D.Mich. 2002) (granting plaintiff's motion to decertify the class with notice to the class members); Wilson v. Transworld Sys., 2002 WL 1379246, 2002 U.S. Dist. LEXIS 10891 (M.D.Fla., Mar. 29, 2002); Cope v. Duggins, 203 F.Supp.2d 650 (E.D.La. 2002); Gradisher v. Check Enforcement Unit, Inc., 210 F.Supp.2d 907 (W.D.Mich. 2002) (violations of the FDCPA); Fuller v. Becker & Poliakoff, P.A., 192 F.Supp.2d 1361 (M.D.Fla. 2002); Clark v. Bonded Adjustment Co., 204 F.R.D. 662 (E.D.Wash. 2002) (class certified); Silva v. National Telewire Corp., 2001 DNH 218, 2001 U.S. Dist. LEXIS 20717 (D.N.H., Dec. 12, 2001) (attorneys fees); Clark v. Bonded Adjustment Co., 176 F.Supp.2d 1062 (E.D.Wash. 2001); Gradisher v. Check Enforcement Unit, Inc., 203 F.R.D. 271 (W.D.Mich. 2001) (class certified); Wallace v. Capital One Bank, 168 F.Supp.2d 526 (D,Md. 2001); Ballard v. Equifax Check Servs., 158 F.Supp.2d 1163 (E.D.Cal. 2001); Connor v. Automated Accounts, Inc., 2001 U.S. Dist. LEXIS 10458 (E.D.Wash., July 18, 2001); Person v. Stupar, 136 F.Supp.2d 957 (E.D.Wis. 2001); Campion v. Credit Bureau Servs., 206 F.R.D. 663 (E.D.Wash. 2001); Irwin v. Mascott, 94 F.Supp.2d 1052, 1057 (N.D.Cal. 2000); Gradisher v. Check Enforcement Unit, Inc., 133 F.Supp.2d 988 (W.D.Mich. 2001) (check diversion company was a debt collector); Campion v. Credit Bureau Servs., 2000 U.S. Dist. LEXIS 20233 (E.D.Wash., Sept. 20, 2000); Littledove v. JBC & Assocs., 2001 U.S. Dist. LEXIS 139 (E.D.Cal., Jan. 10, 2001) (class certified); Littledove v. JBC & Assocs., 2000 U.S. Dist. LEXIS 18490 (E.D.Cal., Dec. 22, 2000); Fuller v. Becker & Poliakoff, 197 F.R.D. 697 (M.D.Fla. 2000) (class certified); Irwin v. Mascott, 112 F.Supp.2d 937 (N.D.Cal. 2000); Tenuto v. Transworld Sys., 2000 U.S. Dist. LEXIS 17566 (E.D.Pa., Nov. 27, 2000); Tenuto v. Transworld Sys., 2000 U.S. Dist. LEXIS 14344 (E.D.Pa., Sept. 29, 2000); Cope v.

Duggins, 2000 U.S. Dist. LEXIS 5081 (E.D.La., April 13, 2000); Silva v. National Telewire Corp., 2000 DNH 197, 2000 U.S. Dist. LEXIS 13986, (N.N.H. 2000) (class certification); Silva v. National Telewire Corp., 2000 DNH 1, 2000 U.S. Dist. LEXIS 338 (D.N.H., Jan. 3, 2000); Woodard v. Online Information Services, 191 F.R.D. 502 (E.D.N.C. 2000); Talbott v. GC Services, 191 F.R.D. 99 (W.D.Va. 2000); Haak v. Hults Ford-Mercury, Inc., 79 F. Supp. 2d 1020 (W.D.Wis. 1999); Borcherding-Dittloff v. Transworld Systems, Inc., 58 F.Supp.2d 1006 (W.D.Wis. 1999); Brink v. First Credit Resources, 57 F.Supp.2d 848 (D.Ariz. 1999); Swanson v. Mid Am, Inc., 186 F.R.D. 665 (M.D.Fla. 1999) (class certification); Swanson v. Mid Am, Inc., 1999 U.S. Dist. LEXIS 14302 (M.D.Fla., March 24, 1999); Brink v. First Credit Resources, 185 F.R.D. 567 (D.Ariz. 1999) (class certification); Talbott v. GC Services Ltd. Partnership, 53 F.Supp.2d 846 (W.D.Va. 1999); Irwin v. Mascott, 186 F.R.D. 567 (N.D.Cal. 1999) (class certification); Borcherding-Dittloff v. Transworld Systems, Inc., 185 F.R.D. 558 (W.D.Wis. 1999); Price v. Surety Acceptance Corp., 1999 U.S. Dist. LEXIS 22418 (D.Ariz. 1999); Ballard v. Equifax Check Services, Inc., 186 F.R.D. 589 (E.D.Cal. 1999) (class certification); Ballard v. Equifax Check Services, Inc., 27 F.Supp.2d 1201 (E.D.Cal. 1998).

17. I expended a total of 13.3 hours in this matter. My contemporaneously kept records reflecting my services in this litigation are attached hereto as Exhibit A.

18. Mr. Bragg contributed 0.4 hours in this matter. His contemporaneously kept records reflecting his services in this litigation are attached hereto as Exhibit A.

19. My billing rate is \$225.00 per hour. Cerni v National Bureau Collection Corp., 08-cv-01189 (N.D.Ill., July 21, 2008) (Honorable Judge Denlow), Docket # 25 (finding reasonable Mr. Shapiro's request for attorney fees at \$225/hour); Day v. ICUL Service

Corporation, 07-cv-00882 (N.D.Ill., Dec. 18, 2007) , Docket # 45 (Honorable Judge Lefkow) (same); Torgensen v. Arrow Financial Services, 2007 U.S.Dist.LEXIS 50156, * 4-5 (N.D.Ill. June 29, 2007) (awarding and finding reasonable a second-year attorney's request for attorney fees at \$225/hour in FDCPA litigation).

20. Mr. Bragg, an attorney with over thirty-five years of experience and scores of published opinions, bills at \$465.00 per hour. Cerni v National Bureau Collection Corp., 08-cv-01189 (N.D.Ill., July 21, 2008) (Honorable Judge Denlow), Docket # 25 (finding reasonable Mr. Bragg's request for attorney fees at \$465/hour); Day v. ICUL Service Corporation, 07-cv-00882 (N.D.Ill., Dec. 18, 2007) (Honorable Judge Lefkow), Docket # 45 (same); McKinney v. Cadleway Properties, Inc., 2007 U.S.Dist.LEXIS 41588, *4 (N.D.Ill. June 8, 2007) (finding Mr. Bragg's \$465 hourly rate reasonable) *adopted in full by* McKinney v Cadleway Properties, Inc., 2007 U.S.Dist.LEXIS 79786 (N.D.Ill., Oct. 23, 2007); Campos v. Western Dental Services, Inc., 2007 WL 2050976, * 1 (N.D.Cal., July 13, 2007) (same); Defenbaugh v. JBC & Assoc., 2004 U.S.Dist.LEXIS 16256, *17-20 (N.D.Cal., Aug. 10, 2004) *aff'd* 2006 U.S.App.LEXIS 19930 (9th Cir. July 24, 2006) (awarding attorney fees to Mr. Bragg at \$435 per hour); Montgomery v. Aetna Plywood, Inc., 1999 U.S.Dist.LEXIS 4432, *20-21 (N.D.Ill. 1999) (stating that \$450 per hour is reasonable for an experienced attorney functioning largely in a supervisory role).

21. The lodestar calculation of attorney fees for my time expended is (13.3 hours x \$225.00/hour) \$2,992.50.

22. The lodestar calculation of attorney fees for the time expended by Mr. Bragg is (0.4 hours x \$465.00/hour) \$186.00.

23. Costs in the amount of \$385.79 were incurred by my law firm in this matter

(attached hereto as Exhibit B).

24. These requested attorney fees and costs were reasonable and necessary to litigation in this matter.

25. The hours expended in this case, as evidenced by Exhibit A, go through July 9, 2008. However, since that date, in preparing my client's Prove-Up materials, I have expended additional time that is compensable, *i.e.*, time spent researching and drafting these prove-up materials, meeting with my client regarding prove-up, as well as appearing before this Court on July 31, 2008.

26. I estimate conservatively that I will have expended an additional five hours and my supervising attorney Mr. Bragg will have expended an additional 0.7 hours. This additional time adds \$1,450.50 to the total attorney fees sought by Ms. Rivera-Crouther.

Executed at Chicago, Illinois on July 28, 2008.

s/ Craig M. Shapiro

Craig M. Shapiro

EXHIBIT A

<u>ATTORNEY</u>	<u>DATE</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
CRAIGS	5/2/2008	0.8	\$225.00	\$180.00
review potential client's letter from Nationwide, discuss circumstances of debt.				
CRAIGS	5/4/2008	0.4	\$225.00	\$90.00
discuss Nationwide letter with Rand. discuss potential claim with client				
CRAIGS	5/4/2008	1	\$225.00	\$225.00
research Nationwide Collections				
CRAIGS	5/4/2008	2.2	\$225.00	\$495.00
draft retainer and complaint				
CRAIGS	5/5/2008	0.3	\$225.00	\$67.50
emails with Florida atty regarding service address of Nationwide and experience suing them				
CRAIGS	5/5/2008	1.1	\$225.00	\$247.50
emails with client re details of telephone call with Nationwide. revise Complaint.				
RAND	5/7/2008	0.3	\$465.00	\$139.50
review and revise Complaint				
CRAIGS	5/8/2008	0.3	\$225.00	\$67.50
revise Complaint and provide to client for review				
CRAIGS	5/9/2008	0.5	\$225.00	\$112.50
meet with client, go over complaint, make revisions and finalize for filing.				
CRAIGS	5/9/2008	0.5	\$225.00	\$112.50
draft civil cover sheet, appearances, summons. no registered agent in IL, research defendant's registered agent in Florida.				
CRAIGS	5/9/2008	0.3	\$225.00	\$67.50
efile complaint and other initiating dox.				
CRAIGS	5/9/2008	0.1	\$225.00	\$22.50
review filed documents emailed from the court clerk				
CRAIGS	5/9/2008	0.2	\$225.00	\$45.00
t/c from Florida attorney re local Florida process server...Jim Mosley, 866.734.7549. discussed case and Florida state claim.				
CRAIGS	5/12/2008	1.5	\$225.00	\$337.50
research FCCPA's application to IL case with IL consumer and FL defendant. research violations under FCCPA.				
CRAIGS	5/12/2008	0.8	\$225.00	\$180.00
draft first amended complaint and efile. draft cover letter to Judge Holderman and arrange for hand delivery				

CRAIGS	5/13/2008	0.2	\$225.00	\$45.00
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t/c to Karen at Jim Mosley Process Service in FL, arrange for service, \$25. email summons & FAC to process server. will mail check.

CRAIGS	5/20/2008	0.2	\$225.00	\$45.00
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draft letter to Jim Mosley Process Service and mail \$25 check for service of summons & complaint.

CRAIGS	5/27/2008	0.1	\$225.00	\$22.50
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email process server re status of service of complaint/fac.

CRAIGS	5/27/2008	0.3	\$225.00	\$67.50
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review affidavit of process server and efile. diary Answer due date.

CRAIGS	5/30/2008	0.1	\$225.00	\$22.50
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discuss status of case with Rand

RAND	5/30/2008	0.1	\$465.00	\$46.50
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discuss status with Craig Shapiro

CRAIGS	6/18/2008	0.1	\$225.00	\$22.50
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email colleague re defendant and enforcement of default judgment

CRAIGS	6/19/2008	0.5	\$225.00	\$112.50
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draft request for entry of default, efile. t/c message left for Judge Holderman's Courtroom Deputy regarding same

CRAIGS	6/27/2008	0.3	\$225.00	\$67.50
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t/c to Judge Holderman's Courtroom Deputy, notice is required for entry of default. draft notice of motion, efile, mail copy to defendant's registered agent. draft cover letter to Judge Holderman.

CRAIGS	7/7/2008	0.5	\$225.00	\$112.50
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review FAC, request for entry of default, affidavit of process server, Mylnek v Household (re standing to assert Florida state claim), in preparation for tomorrow's motion on entry of default. run costs and hours reports.

CRAIGS	7/8/2008	0.9	\$225.00	\$202.50
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appear at motion for entry of default. Default entered. Prove-up materials to be filed by July 29. Status set for July 31, 9am.

CRAIGS	7/9/2008	0.1	\$225.00	\$22.50
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review Order re default and setting dates re prove-up.

Attorney	Hours	Hourly Rate	Total
O. Randolph Bragg	0.4	\$465	\$186.00
Craig M. Shapiro	13.3	\$225	\$2,992.50

TOTAL:	13.7	\$3,178.50
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EXHIBIT B

<u>Client Name</u>	<u>Date</u>	<u>Amount</u>	<u>Narrative</u>
Rosie Rivera	05/12/08	\$10.79	Vendor LexisNexis; Research - CS (re application of FCCPA to IL consumer)
Rosie Rivera	05/13/08	\$350.00	Filing Fee - CS
Rosie Rivera	05/19/08	\$25.00	Vendor Jim Mosley Process Service; Process Services - CS
	TOTAL:	\$385.79	